

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LOCAL 3621, EMS OFFICERS
UNION, DC-37, AFSCME,
AFL-CIO *et al.*,

Plaintiffs,

-against-

ORDER

18-cv-4476 (LJL) (JW)

THE CITY OF NEW YORK *et al.*,

Defendants.

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JENNIFER E. WILLIS, United States Magistrate Judge:

On December 20, 2023, this Court issued a discovery Order resolving various discovery disputes. Dkt. No. 505. That same Order directed the Parties to submit briefs “on the justification for and proposed scope of any deposition of Don Nguyen, Robert Colon, Belinda Delgado, James Booth, and the individuals Defendants seek to depose: Plaintiffs Mascol, Rodriguez, and Variale.” *Id.* at 8. Those letter motions were timely filed and remain pending. See Dkt. No. 511 and 512. On January 17th, the Parties submitted a joint letter detailing that certain other discovery matters were resolved but that others remain outstanding. Dkt. No. 513.

On January 25th, the Plaintiffs filed a letter motion requesting the Court direct the Defendants to produce their data expert to meet and confer with the Plaintiffs. Plaintiffs claim they cannot go forward with a deposition of Dr. Erath until Defendants have produced the necessary portions of the demographic data. Plaintiffs say “Defendants have agreed to produce the necessary portions of the Demographic Data by February 1, 2024 and Plaintiffs have agreed to adjourn Dr. Erath’s testimony to early February to accommodate this. However, Defendants are unable to produce

the Promotional Information or even provide a date by which the Promotional Information can be produced.” Dkt. No. 514. Defendants countered that “Defendants have already produced to Plaintiffs documents containing the Promotional Information.” Dkt. No. 516.

On January 30th, Defendants requested that Judge Liman set a briefing schedule on their Motion for Judgment on the Pleadings arguing the union lacks Article III standing. Dkt. No. 515.

On February 9th, the Plaintiffs submitted a letter consenting to Defendants' request to extend deadlines.

First, the Court grants the Parties' request to extend the deadlines. The deadline to produce the remaining Demographic Data shall be **March 8, 2024**. The deadline to complete document production shall be **March 15, 2024**. The deadline to complete fact discovery is pushed to **April 30, 2024**. The deadline to complete expert discovery is now **May 31, 2024**.

Second, the Court will hold a discovery conference on **April 3, 2024 at 11 am** in Courtroom 228, 40 Foley Square. In the meantime, the Parties are directed to continue engaging in discovery. The Parties should be prepared to discuss any outstanding discovery issues at that conference. By **March 15th**, the Parties shall submit a joint letter (of no more than six total pages) detailing which discovery issues have been resolved and which disputes remain outstanding, along with a brief statement of the Parties' positions on each remaining issue.

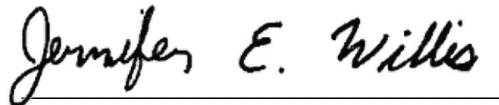
Finally, the Court reminds the Parties that in its previous Order, this Court directed the City to propose a process “for providing the Plaintiffs with the ‘demographic data’ as defined by Judge Cave as well as all the rank and other

'relevant information' this Court directed Defendants to produce in the May 31, 2023 Order." Dkt. No. 505. This Court concluded, "after years of acrimony, dozens of conferences, and hundreds of thousands of dollars in sanctions, enough is enough. The demographic data must be turned over for this case to move forward." Dkt. No. 505. In that Order, this Court warned that "[i]f the Court is dissatisfied with the instructions Defendants provide for determining the demographic and rank information for each individual listed, the Court will consider directing the Defendants to extract and compile the data into a readily useable form proposed by the Plaintiffs, or alternatively, sanctions." Id.

By the time of the conference, if the demographic data and rank data issues remain unresolved, the Defendants must 1) bring their data expert to the April 3rd conference to answer questions from the Court and 2) be prepared to adequately explain why they have not violated the Court's previous Order, or the Court will consider imposing sanctions.

SO ORDERED.

DATED: New York, New York
February 28, 2024



JENNIFER E. WILLIS
United States Magistrate Judge